

Message Text

UNCLASSIFIED

PAGE 01 STATE 201740

60

ORIGIN L-03

INFO OCT-01 ARA-16 ISO-00 IO-14 CIAE-00 INR-11 NSAE-00

RSC-01 DODE-00 PM-07 H-03 NSC-07 PA-04 PRS-01 SP-03

SS-20 USIA-15 /106 R

DRAFTED BY L:REDALTON:DF

APPROVED BY L:RDKEARNEY

L/ARA:DGGANTZ

ARA/USOAS:TETAYLOR

----- 016746

R 131808Z SEP 74

FM SECSTATE WASHDC

TO ALL AMERICAN REPUBLIC DIPLOMATIC POSTS

USCINCSO

INFO AMEMBASSY PANAMA

XMT AMEMBASSY GEORGETOWN NASSAU

UNCLAS STATE 201740

E.O. 11652: N/A

TAGS: OCON

SUBJECT: INTER-AMERICAN SPECIALIZED CONFERENCE ON PRIVATE
INTERNATIONAL LAW

1. OAS HAS CONVENED DIPLOMATIC CONFERENCE ON PRIVATE
INTERNATIONAL LAW TO TAKE PLACE IN PANAMA FROM JANUARY 14-
31, 1975. DRAFT AGENDA INCLUDES FOLLOWING ELEVEN ITEMS:

1. MULTINATIONAL COMMERCIAL COMPANIES; 2. COMMERCIAL
COMPANIES; 3. INTERNATIONAL SALE OF GOODS; 4. BILLS OF
EXCHANGE, CHECKS, AND PROMISSORY NOTES OF INTERNATIONAL
CIRCULATION; 5. INTERNATIONAL COMMERCIAL ARBITRATION;
6. INTERNATIONAL WATERBORNE TRANSPORTATION, WITH SPECIAL
REFERENCE TO BILLS OF LADING; 7. PROCEDURE FOR LETTERS
REQUISITORIAL AND LETTERS ROGATORY; 8. RECOGNITION AND
EXECUTION OF FOREIGN JUDICIAL JUDGMENTS; 9. TAKING OF
EVIDENCE ABROAD IN CIVIL AND COMMERCIAL MATTERS; 10. LEGAL
SYSTEM FOR POWERS OF ATTORNEY TO BE USED ABROA; 11. ACTION

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 201740

THAT SHOULD BE TAKEN FOR THE DEVELOPMENT OF OTHER TOPICS

OF PRIVATE INTERNATIONAL LAW. DRAFT CONVENTIONS HAVE BEEN PREPARED FOR AGENDA ITEMS-2, 4, 5, 6,-7, 8, 9, AND 10. --

2. EMBASSY IS REQUESTED HAVE OFFICER CALL ON OFFICIAL(S) IN HOST GOVERNMENT WITH PRINCIPAL RESPONSIBILITY FOR PREPARING FOR CONFERENCE AND CONVEY POINTS THAT FOLLOW.

3. US IS CONCERNED THAT SUCCESS OF CONFERENCE MIGHT BE JEOPARDIZED IF AN ATTEMPT IS MADE TO CONCLUDE EIGHT CONVENTIONS WITHIN THE PERIOD OF THREE WEEKS. THE DIFFICULTIES ARE HEIGHTENED BY FACT THAT ARRANGEMENTS FOR CONFERENCE PROVIDE FOR ONLY TWO PLENARY COMMITTEES, EACH OF WHICH WOULD MEET FOR ONE SESSION PER DAY, OR A TOTAL OF THIRTY SESSIONS FOR THE THREE-WEEK CONFERENCE. EXPERIENCE HAS SHOWN THAT LARGE MULTILATERAL CONFERENCES CAN BE EXPECTED TO ADOPT ON THE AVERAGE OF ONE-AND-A-HALF ARTICLES PER SESSION. GIVEN THIS EXPERIENCE IT SEEMS UNREASONABLE TO EXPECT CONCLUSION OF EIGHT CONVENTIONS WITHIN THE ALLOTTED TIME.

4. WE FEEL CONFERENCE WILL RECOGNIZE AT OUTSET THAT TOO AMBITIOUS A TASK HAS BEEN PROPOSED AND THAT AN EFFORT WILL BE MADE TO SELECT PRIORITY TOPICS ON WHICH TO COMPLETE WORK AT PANAMA MEETING, THE OTHER TOPICS BEING PUT ASIDE FOR TIME BEING. DIFFICULTY WITH DEFERRING IDENTIFICATION OF THE PRIORITY TOPICS UNTIL OPENING OF CONFERENCE IS THAT EACH COUNTRY WOULD BE REQUIRED PREPARE FOR DEALING WITH EIGHT DRAFT CONVENTIONS AND TO SEEK INCLUDE ON ITS DELEGATION EXPERTS IN EACH OF THOSE TOPICS SINCE IT WOULD NOT BE KNOWN UNTIL AFTER CONFERENCE CONVENED WHAT TOPICS MIGHT NOT BE DEALT WITH. THESE HEAVY BURDENS COULD BE LIGHTENED FOR ALL IF AN INFORMAL AGREEMENT COULD BE REACHED BEFORE THE CONFERENCE TO CONCENTRATE WORK ON A LIMITED NUMBER (PERHAPS THREE BUT NO MORE THAN FOUR) OF THE TOPICS.

5. OAS RECENTLY SENT TEXTS OF EIGHT DRAFT CONVENTIONS TO GOVERNMENTS AND ASKED THEM FURNISH ANY VIEWS THEY MIGHT HAVE. THAT COMMUNICATION AFFORDS POTENTIAL VEHICLE FOR FOCUSING ON PROBLEM AND ENCOURAGING CONSENSUS ON EARLY UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 201740

IDENTIFICATION OF TOPICS TO BE GIVEN PRIORITY ATTENTION.

6. WHEN MAKING POINTS IN PARAGRAPHS 3 AND 4 EMBASSY OFFICER SHOULD STATE WE WOULD HOPE HOST GOVERNMENT MIGHT SHARE OUR BASIC VIEWS ON THIS QUESTION AND CONVEY THOSE VIEWS TO OAS, AS WE INTEND TO DO.

7. AT EMBASSY'S DISCRETION OFFICER SHOULD ADD THAT OUR

PRELIMINARY THINKING IS THAT INTERNATIONAL COMMERCIAL ARBITRATION, PROCEDURES FOR LETTERS REQUISITORIAL AND LETTERS ROGATORY, AND LEGAL SYSTEM FOR POWERS OF ATTORNEY TO BE USED ABROAD ARE THE MOST DESIRABLE TOPICS. WE BELIEVE A CONVINCING CASE HAS NOT BEEN MADE FOR ADOPTION OF REGIONAL RULES FOR BILLS OF EXCHANGE, CHECKS, AND PROMISSORY NOTES OF INTERNATIONAL CIRCULATION: IN ANY EVENT, WE THINK IT WOULD BE PREMATURE ADOPT CONVENTION ON SUBJECT WHILE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW (UNCITRAL) IS WORKING ON PROPOSED NEW INTERNATIONAL NEGOTIABLE INSTRUMENT. WE BELIEVE IT WOULD BE MISTAKE TO DEAL WITH THE VERY COMPLICATED PROBLEMS POSED BY THE DRAFT CONVENTION ON INTERNATIONAL WATERBORNE TRANSPORTATION BECAUSE IT DEALS WITH A MULTIPLICITY OF SUBJECTS (CARRIAGE OF PASSENGERS AND GOODS, MULTIMODAL TRANSPORT OF GOODS, AND OTHER TOPICS) BEING EXAMINED IN SPECIALIZED WORLDWIDE FORA. PROBLEM OF RECOGNITION AND EXECUTION OF FOREIGN JUDGMENTS IS EXCEEDINGLY DIFFICULT ONE WITH WHICH DEAL ON MULTILATERAL BASIS AND WE TEND TO DOUBT THAT AGREEMENT ON THIS IMPORTANT TOPIC COULD BE REACHED IN A THREE-WEEK SESSION.

8. EMBASSY IS REQUESTED REPORT ON REACTION OF HOST GOVERNMENT OFFICIAL(S) TO POINTS PRESENTED AND TO INFORM DEPARTMENT OF PRESENT THINKING OF HOST GOVERNMENT ON COMPOSITION OF ITS DELEGATION. KISSINGER

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 13 SEP 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE201740
Document Source: CORE
Document Unique ID: 00
Drafter: REDALTON:DF
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740258-0288
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740947/aaaabnkk.tel
Line Count: 141
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: martinml
Review Comment: n/a
Review Content Flags:
Review Date: 03 JUL 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 JUL 2002 by maustmc>; APPROVED <29 JAN 2003 by martinml>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: INTER-AMERICAN SPECIALIZED CONFERENCE ON PRIVATE INTERNATIONAL LAW
TAGS: OCON
To: ALL POSTS USCINCSO
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005